

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: JOHNSON & JOHNSON TALCUM
POWER PRODUCTS MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION

No. 3:16-md-02738-MAS-RLS

MDL No. 16-2738 (MAS) (RLS)

**DECLARATION OF MATTHEW L. BUSH, ESQ., IN SUPPORT OF
DEFENDANTS JOHNSON & JOHNSON AND LLT MANAGEMENT
LLC'S OPPOSITION TO THE PLAINTIFFS' STEERING COMMITTEE'S
MOTION TO EXCLUDE THE ASBESTOS TESTING OPINIONS OF
MATTHEW S. SANCHEZ, PH.D., ANN G. WYLIE, PH.D. AND SHU-
CHUN SU, PH.D.**

I, Matthew L. Bush, Esq., declare as follows:

I am an attorney and a partner with the law firm King & Spalding LLP, counsel for Defendants Johnson & Johnson and LLT Management, LLC in the above-captioned matter. The facts stated in this Declaration are true of my own personal knowledge. I submit this Declaration in Support of Defendants' Opposition to the Plaintiffs' Steering Committee's Motion to Exclude the Asbestos Testing Opinions of Matthew S. Sanchez, Ph.D., Ann G. Wylie, Ph.D. and Shu-Chun Su, Ph.D.

1. Attached hereto as **Exhibit 1** is a true and correct copy of an excerpt of the transcript of Day 2 of the Rule 104 hearing regarding Dr. William Longo on May 30, 2024, in *Clark et al. v. Johnson & Johnson, et al.*, No. MID-L-003809-18AS (N.J. Super. Ct., Middlesex Cnty.).

2. Attached hereto as **Exhibit 2** is a true and correct copy of an excerpt of Dr. William Longo's deposition on February 8, 2021, in *Forrest v. Johnson & Johnson, et al.*, No. 1522-CC00419-02 (M.O Cir. Ct., St. Louis).

3. Attached hereto as **Exhibit 3** is a true and correct copy of an excerpt of the transcript of Day 1 of the Rule 104 hearing regarding Dr. William Longo on May 29, 2024, in *Clark et al. v. Johnson & Johnson, et al.*, No. MID-L-003809-18AS (N.J. Super. Ct., Middlesex Cnty.).

4. Attached hereto as **Exhibit 4** is a true and correct copy of a refractive index demonstrative prepared by counsel for Defendants.

5. Attached hereto as **Exhibit 5** is a true and correct copy of an excerpt of Dr. William Longo's deposition on October 23, 2023, in *Eagles v. Arvinmeritor, Inc., et al.*, No. 22CV018294 (Super. Ct. Ca., Alameda Cnty.).

6. Attached hereto as **Exhibit 6** is a true and correct copy of an excerpt of Dr. William Longo's deposition on November 3, 2023, in *Eagles v. Arvinmeritor, Inc., et al.*, No. 22CV018294 (Super. Ct. Ca., Alameda Cnty.).

7. Attached hereto as **Exhibit 7** is a true and correct copy of the relevant portion of Dr. William Longo's report issued on February 28, 2023, in *Hernandez-Valadez v. Johnson & Johnson, et al.*, No. 22CV012759 (Super. Ct. Ca., Alameda Cnty.).

8. Attached hereto as **Exhibit 8** is a true and correct copy of an excerpt of trial proceedings from July 7, 2021, in *Prudencio v. Johnson & Johnson, et al.*, No. RG20061303 (Super. Ct. Ca., Alameda Cnty.).

9. Attached hereto as **Exhibit 9** is a true and correct copy of an excerpt of Dr. William Longo's deposition on September 25, 2020, in *Reyes v. Johnson & Johnson, et al.*, No. RG20052391 (Super. Ct. Ca., Alameda Cnty.).

10. Attached hereto as **Exhibit 10** is a true and correct copy of Dr. Su's 1.560 Oil Normal Illumination Demonstrative produced in advance of Dr. Su's deposition.

11. Attached hereto as **Exhibit 11** is a true and correct copy of Dr. Su's 1.560 Oil Suppressed Illumination Demonstrative produced in advance of Dr. Su's deposition.

12. Attached hereto as **Exhibit 12** is a true and correct copy of an excerpt of Dr. William Longo's deposition on May 2, 2024 in the above-captioned case.

13. Attached hereto as **Exhibit 13** is a true and correct copy of an excerpt from Int'l Agency for Research on Cancer, World Health Org., Volume 93, *IARC*

Monographs on the Evaluation of Carcinogenic Risks to Humans: Carbon Black, Titanium Dioxide, and Talc (2010).

14. Attached hereto as **Exhibit 14** is a true and correct copy of Nat'l Inst. for Occupational Health and Safety, *Asbestos Fibers and Other Elongate Mineral Particles: State of the Science and Roadmap for Research* (2011).

15. Attached hereto as **Exhibit 15** is a true and correct copy of an excerpt of trial proceedings from March 5, 2019, in *Rimondi v. BASF Catalysts LLC, et al.*, No. MID-2912-17AS (N.J. Super. Ct., Middlesex Cnty.).

16. Attached hereto as **Exhibit 16** is a true and correct copy of the EPA Southwest Pacific Region 9, *Naturally Occurring Asbestos, El Dorado Hills, Multimedia Exposure Assessment, Preliminary assessment and Site Inspection Report Interim Final* (last accessed January 24, 2024). .

17. Attached hereto as **Exhibit 17** is a true and correct copy of *Mineralogy and Morphology of Amphiboles Observed in Soils and Rocks in El Dorado Hills, California*, U.S. Geological Survey Open-File Report 2006-1362 by G.P. Meeker et al., (2006).

18. Attached hereto as **Exhibit 18** is a true and correct copy of an excerpt of Dr. William Longo's trial testimony on February 20, 2018, in *Lanzo v. Cyprus Amax Minerals Co., et al.*, No. MID-L-7385-16AS (N.J. Super. Ct., Middlesex Cnty.).

19. Attached hereto as **Exhibit 19** is a true and correct copy of a March 11, 1974 letter from Ian Stewart to Dr. Robert Rolle, Bates No. JNJTALC000286990-992.

20. Attached hereto as **Exhibit 20** is a true and correct copy of Dr. Matthew Sanchez's report dated April 16, 2024, issued in *Newton, et al. v. Johnson & Johnson, et al.*, No. DC-19-09317-M (Tx. Dist. Ct., Dallas Cnty).

21. Attached hereto as **Exhibit 21** is a true and correct copy of an excerpt of trial proceedings from December 17, 2019, in *Forrest v. Johnson & Johnson, et al.*, No. 1522-CC00419-02 (M.O Cir. Ct., St. Louis).

22. Attached hereto as **Exhibit 22** is a true and correct copy of an excerpt of Dr. William Longo's deposition on March 3, 2023, in *Hernandez-Valadez v. Johnson & Johnson, et al.*, No. 22CV012759 (Super. Ct. Ca., Alameda Cnty.).

23. Attached hereto as **Exhibit 23** is a true and correct copy of the International Organization for Standardization Standard entitled ISO 22262-1 Air Quality – Bulk Materials – Part 1: Sampling and qualitative determination of asbestos in commercial bulk materials, dated July 1, 2012

24. Attached hereto as **Exhibit 24** is a true and correct copy of an excerpt of William Hess' deposition on July 10, 2024, in the above-captioned case.

25. Attached hereto as **Exhibit 25** is a true and correct copy of an excerpt of Dr. William Longo's deposition on May 7, 2021, in *Powers v. Beacon CMP Corp, et al.*, No. 2016-0983 (Parish of Lafayette, La.).

26. Attached hereto as **Exhibit 26** is a true and correct copy of an excerpt of Dr. William Longo's deposition on January 13, 2023, in *Weiss, et al, v. Albertsons Companies, Inc., et al.*, No. CV2021-090946 (Super. Ct. Az., Maricopa Cnty.).

27. Attached hereto as **Exhibit 27** is a true and correct copy of a MAS Calidria reference sample (M69652- 003ISO-002).

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: August 22, 2024



MATTHEW L. BUSH